

1 H.86

2 Senators Perchlik, Baruth, Kitchel, Sears, Starr and Westman move to
3 substitute a recommendation of proposal of amendment for the
4 recommendation of proposal of amendment of the Committee on
5 Appropriations to recommend that the Senate propose to the House that the bill
6 be amended by inserting a new Sec. 7 to read as follows:

7 Sec. 7. 1 V.S.A. chapter 5, subchapter 5 is amended to read:

8 Subchapter 5. Interpreters for Judicial, Administrative, and Legislative
9 Findings

10 § 331. DEFINITIONS

11 As used in the subchapter:

12 (1) “Person who is ~~deaf or hard of hearing~~ Deaf, Hard of Hearing, or
13 DeafBlind” means any person who has ~~such~~ difficulty hearing, even with
14 amplification, to the extent that ~~he or she~~ the person cannot rely on hearing for
15 communication.

16 (2) “Proceeding” means any judicial proceeding, contested case under
17 3 V.S.A. chapter 25, or other hearing before an administrative agency not
18 included under 3 V.S.A. chapter 25.

19 (3) “Qualified interpreter” means an interpreter for a person who is ~~deaf~~
20 ~~or hard of hearing~~ Deaf, Hard of Hearing, or DeafBlind who meets standards
21 of competency established by the national or Vermont Registry of Interpreters

1 for the Deaf as amended, by rule, by the Vermont Commission of the Deaf and
2 ~~Hard of Hearing~~.

3 § 332. RIGHT TO INTERPRETER; COMMUNICATION ACCESS

4 REALTIME TRANSLATION (CART) SERVICES; ASSISTIVE

5 LISTENING EQUIPMENT

6 (a) Any person who is ~~deaf or hard of hearing~~ Deaf, Hard of Hearing, or
7 DeafBlind who is a party or witness in any proceeding shall be entitled to be
8 provided with a qualified interpreter or CART services for the duration of the
9 person's participation in the proceeding.

10 (b) Any person who is ~~deaf or hard of hearing~~ Deaf, Hard of Hearing, or
11 DeafBlind shall be entitled to be provided with a qualified interpreter or CART
12 services upon five working days' notice that the person has reasonable need to
13 do any of the following:

14 * * *

15 (c) If a person who is ~~deaf or hard of hearing~~ Deaf, Hard of Hearing, or
16 DeafBlind is unable to use or understand sign language, the presiding officer or
17 State board or agency or State legislative official shall, upon five working
18 days' notice, make available appropriate assistive listening equipment for use
19 during the proceeding or activity.

1 § 333. APPOINTMENT OF INTERPRETER

2 (a) The presiding officer in a proceeding shall appoint an interpreter after
3 making a preliminary determination that the interpreter is able to:

4 (1) readily communicate with the person who is ~~deaf or hard of hearing,~~
5 Deaf, Hard of Hearing, or DeafBlind;

6 (2) accurately interpret statements or communications from the person
7 who is ~~deaf or hard of hearing,~~ Deaf, Hard of Hearing, or DeafBlind; and ~~to~~

8 (3) interpret the proceedings to the person who is ~~deaf or hard of hearing~~
9 Deaf, Hard of Hearing, or DeafBlind.

10 * * *

11 § 336. RULES; INFORMATION; ~~LIST OF INTERPRETERS~~ CONTRACT
12 SERVICES

13 (a) ~~The Vermont Commission of the Deaf and Hard of Hearing shall, by~~
14 ~~rule, establish factors to be considered by the presiding officer under section~~
15 ~~333 of this title before appointing an interpreter who is not a qualified~~
16 ~~interpreter. Such factors shall encourage the widest availability of interpreters~~
17 ~~in Vermont while at the same time ensuring~~ State of Vermont shall maintain
18 contracts to operate CART services and a statewide sign language interpreter
19 referral service to provide services to a person who has a right to an interpreter
20 or CART services under section 332 of this subchapter. The contract shall

1 require that the an interpreter providing services through the sign language
2 interpreter referral service:

3 (1) is able to communicate readily with the person who is ~~deaf or hard~~
4 ~~of hearing~~ Deaf, Hard of Hearing, or DeafBlind;

5 (2) is able to interpret accurately statements or communications by the
6 person who is ~~deaf or hard of hearing~~ Deaf, Hard of Hearing, or DeafBlind;

7 (3) is able to interpret the proceedings to the person who is ~~deaf or hard~~
8 ~~of hearing~~ Deaf, Hard of Hearing, or DeafBlind;

9 (4) ~~shall~~ maintain confidentiality;

10 (5) ~~shall~~ be impartial with respect to the outcome of the proceeding;

11 (6) ~~shall~~ does not exert any influence over the person who is ~~deaf or~~
12 ~~hard of hearing~~ Deaf, Hard of Hearing, or DeafBlind; and

13 (7) ~~shall~~ does not accept assignments the interpreter does not feel
14 competent to handle.

15 (b) ~~Rules established by the Vermont Commission of the Deaf and Hard of~~
16 ~~Hearing pursuant to subdivision 331(3) of this title amending the standards of~~
17 ~~competency established by the national or Vermont Registry of the Deaf shall~~
18 ~~be limited to the factors set forth in subsection (a) of this section. [Repealed.]~~

19 (c) ~~The Vermont Commission of the Deaf and Hard of Hearing shall~~
20 ~~prepare an explanation of the provisions of this subchapter which shall be~~
21 ~~distributed to all State agencies and courts. [Repealed.]~~

1 (2) ~~The~~ the admission or confession, if made during a custodial
2 interrogation, was made after reasonable steps were taken, including the
3 appointment of a qualified interpreter, to ensure that the defendant understood
4 ~~his or her~~ the defendant's constitutional rights.

5 (b) The provisions of subsection (a) of this section supplement the
6 constitutional rights of the person who is ~~deaf or hard of hearing~~ Deaf, Hard of
7 Hearing, or DeafBlind.

8 § 339. COMMUNICATIONS MADE TO INTERPRETERS; PROHIBITION
9 ON DISCLOSURE

10 (a) An interpreter, whether or not the interpreter is a qualified interpreter,
11 shall not disclose or testify to:

12 (1) a communication made by a person to an interpreter acting in ~~his or~~
13 ~~her~~ the capacity as of an interpreter for a person who is ~~deaf or hard of hearing~~
14 Deaf, Hard of Hearing, or DeafBlind or a person with limited English
15 proficiency; or

16 (2) any information obtained by the interpreter while acting in ~~his or her~~
17 the capacity as of an interpreter for a person who is ~~deaf or hard of hearing~~
18 Deaf, Hard of Hearing, or DeafBlind or a person with limited English
19 proficiency.

20 (b) There is no prohibition on disclosure under this section if the services
21 of the interpreter were sought or obtained to enable or aid anyone to commit or

1 plan to commit what the person who is ~~deaf or hard of hearing~~ Deaf, Hard of
2 Hearing, or DeafBlind or the person with limited English proficiency knew or
3 reasonably should have known to be a crime or fraud.

4 * * *

5 (d) As used in this section, “person with limited English proficiency”
6 means a person who does not speak English as ~~his or her~~ the person’s primary
7 language and who has a limited ability to read, write, speak, or understand
8 English.

9 and by renumbering the remaining section to be numerically correct.